

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:18-cr-20800

HONORABLE STEPHEN J. MURPHY, III

v.

D-1 RAJENDRA BOTHRA,
D-2 ERIC BACKOS,
D-3 GANIU EDU,
D-4 DAVID LEWIS,
D-5 CHRISTOPER RUSSO,
D-6 RONALD KUFNER,

Defendants.

**ORDER GRANTING MOTION
TO ADJOURN TRIAL [284] AND FINDING EXCLUDABLE DELAY**

Defendants are charged with a large-scale scheme of fraudulent healthcare billing practices and unlawful prescribing of prescription-drug controlled substances. ECF 1, PgID 1–2. The indictment alleged the submission of nearly \$470 million in improper insurance claims and dispensation of over thirteen million doses of Schedule II drugs. *Id.* at 2. The final pretrial conference, plea date, and trial date have been moved several times in light of the COVID-19 pandemic and were most recently set in May and June of 2021. ECF 255. The United States and Defendants Backos, Edu, Lewis, Russo, and Kufner jointly move the Court to adjourn the trial date to November 2021. ECF 284. Defendant Bothra opposed this motion. ECF 285. But due to the ongoing effects of the COVID-19 pandemic and inability of the Court

hold any in-person jury trials at this time these scheduled dates will be adjourned. *See* E.D. Mich. 20-AO-039.

The Court will therefore grant the United States and Defendants' joint motion in part and adjourn the case until September 2021 or as soon as jury trials are able to begin in the courthouse. ECF 284. The Court finds that the period until September 2021 constitutes excusable delay pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(i), finding that ends of justice served by delaying this trial, namely the ongoing COVID-19 pandemic, outweigh the best interest of the public and the defendant in a speedy trial.

The Court knows that in-person matters are slowly beginning to take place in the Detroit federal courthouse. The Court will endeavor to prioritize trial of this case in September 2021. Counsel are specifically advised that once the firm trial date is announced, no motions for adjournment will be considered under any circumstances. Accordingly, the Court strongly advises the parties to ready for trial now, so as not to be unprepared when the case is called for jury trial.

WHEREFORE, it is hereby **ORDERED** that the joint motion to adjourn the trial [284] is **GRANTED IN PART**, and that the trial is **ADJOURNED** until September 2021 or until jury trials are permissible again.

IT IS FURTHER ORDERED, that the time from the current trial date of June 8, 2021 until September 28, 2021 shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7) because the Court finds that the ends of

justice served by granting this motion outweigh the best interests of the public and the defendants in a speedy trial. The following dates will apply:

Final pretrial conference/plea cut-off date: September 9, 2021 at 10:00 a.m.

Jury Trial: September 28, 2021 at 9:00 a.m.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: May 19, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 19, 2021, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager